

## **REMARKS**

Reconsideration and withdrawal of the rejections of the application are respectfully requested in view of the above amendments and following remarks.

### **I. STATUS OF THE CLAIMS AND FORMAL MATTERS**

Claims 1-25 are currently pending. Claims 1-15, 19-20, and 22-24 are hereby amended. No new matter has been introduced and support for these amendments can be found throughout the application as originally filed. On this basis, reconsideration and withdrawal of the rejections in view of the following arguments is respectfully requested.

Changes to the claims are not made for the purpose of patentability within the meaning of 35 U.S.C. §101, §102, §103, or §112. Rather, these changes are made simply for clarification and to round out the scope of protection to which Applicants are entitled.

### **II. INFORMATION DISCLOSURE STATEMENT**

The information disclosure statement filed March 18, 2005 allegedly fails to comply with C.F.R. 1.98(a)(2), which requires a legible copy of each of the cited foreign patent documents.

Applicants hereby re-submit legible copies of these documents for consideration by the Examiner.

### **III. THE REJECTIONS UNDER 35 U.S.C. § 112**

Claims 1-25 were rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Specifically, the Examiner asserted that it is not clear "*what limitations*

*describe the nanodevice as opposed to another component of the claimed apparatus.”*

Applicants have accordingly amended claim 1, as a matter of form and not of substance, in order to address the clarity issue raised by the Examiner under 35 U.S.C. §112, second paragraph.

Claim 24 was also rejected under 35 U.S.C. §112, second paragraph, for several informalities. In particular, the Examiner asserted that with respect to claim 24: (1) there is insufficient antecedent basis for various terms; (2) it is unclear what is meant by the large-pore set-up “*represent*” the third electrode; and (3) there does not appear to be any recited method steps (actions). Claim 24 has accordingly been amended in order to overcome this rejection.

Reconsideration and withdrawal of these rejections are, therefore, respectfully requested.

#### **IV. ALLOWABLE SUBJECT MATTER**

The Examiner indicated that claims 1-23 would be allowable if the rejections under 35 U.S.C. §112, second paragraph, are overcome. Applicants have accordingly amended claims 1-25 in order to address the alleged rejections under U.S.C. §112, second paragraph. Applicants, respectfully submit that the format of the claims is hereby amended without altering their respective scope. Reconsideration and allowance of these claims are, therefore, respectfully requested.

#### **V. DEPENDENT CLAIMS**

The other claims in this application are each dependent on an independent claim discussed above, and are therefore believed patentable for at least the same reasons. Since each dependent claim is also deemed to define an additional aspect of the invention, however, the individual reconsideration of the patentability of each on its own merits is respectfully requested.

**CONCLUSION**

In view of the foregoing, it is believed that all of the claims in this application are patentable over the prior art, and an early and favorable consideration thereof is solicited.

Statements appearing above with respect to the disclosures in the cited references represent the present opinions of the Applicants' undersigned attorney and, in the event that the Examiner disagrees with any such opinions, it is respectfully requested that the Examiner specifically indicate those portions of the respective reference providing the basis for a contrary view.

Please charge any fees incurred by reason of this response and not paid herewith to Deposit Account No. 50-0320.

Respectfully submitted,  
FROMMER LAWRENCE & HAUG LLP

By:



Ronald R. Santucci  
Reg. No. 28,988  
(212) 588-0800